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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,084	03/20/2001	Yasushi Tomita	503.39814X00	1221

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ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-9889

EXAMINER

LASTRA, DANIEL

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/812,084

Applicant(s)

TOMITA ET AL. K

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03/20/01.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-23 have been examined. Application 09/812,084 (ADVERTISEMENT PROVIDING METHOD AND SYSTEM THEREFOR) has a filing date 03/20/2001 and a foreign priority date 07/21/2000.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yee et al (U.S. 6,300,881) in view of Angles et al (U.S. 6,385,592).

As per claim 1, Yee teaches:

An advertisement providing method for providing advertisement from an advertiser to an electric power customer comprising the steps of:

receiving a power consumption data from a sensor measuring a power consumption amount of said electric power customer or from an electric power supplier (see column 10, lines 20-35);

Yee fails to teach and selecting an advertisement to be provided to said electric power customer from preliminarily registered in a database on the basis said power consumption data. However, Angles teaches a system for delivering customized advertisements within an interactive communication system (see column 2, line 49 – column 3, line 67). Therefore, it would have been obvious to a person of ordinary skill in

Art Unit: 3622

the art at the time the application was made, to know that Angles would target advertisements to consumers based upon the consumers' electric power consumption data, as taught by Yee. Advertisers would use the consumers' power consumption data to target consumers with products that have a higher efficiency and therefore would cost less to operate.

As per claim 2, Yee and Angles teach:

An advertisement providing method as set forth in claim 1, wherein the selected advertisement is provided to said electric power customer through a communication circuit. The same rejection applied to claim 1 is applied to claim 2.

As per claim 3, Yee and Angles teach:

An advertisement providing method as set forth in claim 2, wherein number of times of communication or a communication period is recorded and a charge calculation is performed depending upon recorded number of times of communication or communication period (see Yee column 9, lines 41-50).

As per claim 4, Yee and Angles teach:

An advertisement providing method as set forth in claim 2, wherein providing of advertisement through said communication circuit is performed by one of placement on a homepage and transmission through facsimile. Angles teaches the placement of the target advertisement in a user homepage (see column 3, lines 43-55). Therefore, the same rejection applied to claim 1 is applied to claim 4. Angles does not teach fax communication. However, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Angles would send target

Art Unit: 3622

advertisements to users via fax communication, as fax communication is a well known method in the communication arts. This feature would not patentably distinguish the claimed invention from the prior art.

As per claim 5, Yee and Angles teach:

An advertisement providing method as set forth in claim 3, wherein advertisement placed on the homepage is permitted by prompting input of an identifier for proving identity of said electric power customer, retrieving the input identifier against a database storing identifiers preliminarily assigned for said electric power customers, and enabling access to the homepage only when said input identifier is present in said database. Angles teaches a system where users need to register and receive a customers' identification to be able to receive target advertisements. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that users of the Angles and Yee system would register to be able to receive target advertisements. The need to register and enter the users' identification would help maintain secure the users' profile information and would help in better target advertisements to users.

As per claim 6, Yee and Angles teach:

An advertisement providing method as set forth in claim 2, wherein the advertisement is provided in response to a demand of said electric power customer. The same rejection applied to claim 1 is applied to claim 6.

As per claim 7, Yee and Angles teach:

An advertisement providing method as set forth in claim 1, wherein said selection of advertisement is an advertisement of products assisting power saving of said electric power customer. The same rejection applied to claim 1 is applied to claim 7.

As per claim 8, Yee and Angles teach:

An advertisement providing system for providing an advertisement from an advertiser to an electric power customer comprising:

a receiving portion receiving a power consumption data from a sensor measuring a power consumption amount from the electric power customer or an electric power supplier;

a database storing advertisements of advertisers; and

means for selecting advertisement to be provided to the electric power customer among advertisements stored in the database on the basis of an electric power consumption data received by said receiving portion. Claim 8 contains the same limitations as claim 1 therefore the same rejection is applied.

As per claim 9, Yee and Angles teach:

An advertisement providing system as set forth in claim 8, which further comprises database storing destination of transmission of advertisement per electric power customer for transmitting said selected advertisement to the transmission 10 destination of the electric power customer. Claim 9 contains the same limitations as claim 2 therefore the same rejection is applied.

As per claim 10, Yee and Angles teach:

Art Unit: 3622

An advertisement providing system as set forth in claim 9, wherein transmission of the advertisement is performed via facsimile. Claim 10 contains the same limitations as claim 4 therefore the same rejection is applied.

As per claim 11, Yee and Angles teach:

An advertisement providing system as set forth in claim 9, wherein transmission of the advertisement is performed in response to a demand of said customer. Claim 11 contains the same limitations as claim 6 therefore the same rejection is applied.

As per claim 12, Yee and Angles teach:

An advertisement providing system as set forth in claim 9, which further comprises:

means for recording number of times of transmission or transmission period in a recording medium; and

means for performing charge calculation depending on recording number of times of transmission or transmission period. Claim 12 contains the same limitations as claim 3 therefore the same rejection is applied.

As per claim 13, Yee and Angles teach:

An advertisement providing system as set forth in claim 8, which further comprises means for placing said selected advertisement on a homepage. Claim 13 contains the same limitations as claim 4 therefore the same rejection is applied.

As per claim 14, Yee and Angles teach:

An advertisement providing system as set forth in claim 12, which further comprises:

means for prompting input of an identifier indicative of identity of the electric power customer as access condition of the homepage placed thereon said selected advertisement; database storing the identifier assigned for each electric power customer; and

means for enabling access of the homepage upon presence of the input identifier in said identifier storing database as a result of retrieval of input identifier against said database. Claim 14 contains the same limitations as claim 5 therefore the same rejection is applied.

As per claim 15, Yee and Angles teach:

An advertisement providing system as set forth in claim 8, wherein said advertisement contains information of products or service consuming an electric power, and said selecting means selects advertisement of products lowering of power consumption amount of the electric power customer. Claim 15 contains the same limitations as claim 7 therefore the same rejection is applied.

Claims 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angles et al (U.S. 6,385,592) in view of Herz (U.S. 6,460,036).

As per claim 16, Angles teaches:

An advertisement providing method providing information from an advertiser by selecting information adapting to said customer in response to a demand for information from the customer from the customer, comprising the steps of:

optionally demanding additional information to the advertiser (see Angles column 4, lines 8-30);



Art Unit: 3622

delivering resultant information to the customer; and performing billing process for the customer and/or advertiser depending upon access record and delivery record of the customer (see Angles column 4, lines 8-30).

Herz teaches:

checking whether a customer on access has a contract for using the information (see Herz column 33, lines 1-45);

permitting access to the information when the customer holds contract for using the information, for permitting retrieval of information registered as advertisement information by an advertiser depending upon the demand of the customer (see Herz column 33, lines 1-37). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Angles would target advertisements to users based upon the users' profile and would use the Herz system to maintain secure the information that is transmitted between advertisers and users. This feature would guarantee that users of the service are legitimately entitled to the services used and that the user's profile would be available only to authorize<sup>d</sup> providers.

As per claim 17, Angles and Herz teach:

An advertisement providing method as set forth in claim 16, wherein check is performed whether information retrieval demanded by the customer falls within a scope of contract for discriminating demand for information retrieval out of contract when the customer's demand requires retrieval output contract, and performing billing process for retrieval out of contract during billing process (see Angles column 16, lines 10-37).

As per claim 18, Angles and Herz teach:

Art Unit: 3622

An advertisement providing method as set forth in claim 16, wherein a depth of retrieval performed in response to the demand of the customer is recorded and billing is performed depending of the recorded depth of retrieval during billing process (see Angles column 16, lines 10-37).

As per claim 19, Angles and Herz teach:

An advertisement providing method as set forth in claim 18, wherein a statistical analysis process is performed in response to a demand from the customer and a result of analysis is provided to said customer together with associated advertisement information (see Angles column 16, lines 10-50).

As per claim 20, Angles and Herz teach:

An advertisement providing method as set forth in claim 19, wherein an additional information from the advertiser is registered in response to a demand from the customer, and an additional advertisement charge is billed to the advertiser (see Angles see column 16, lines 10-50; column 20, lines 10-50).

As per claim 21, Angles and Herz teach:

An advertisement providing system for providing information to a customer with selecting information from an advertiser adapting to a demand from the customer in response the customer's demand, which advertisement providing system connected to said advertiser through a communication line, comprising an advertisement service center including:

a customer authenticating portion for checking whether the customer on access holds a use contract for permitting access only when said customer on access holds use contract;

an advertisement information storage file storing information registered by said advertiser as advertisement information for retrieval in response to demand from said customer;

an additional information demanding portion demanding additional information to said advertiser when said demand of the customer is not contained in said advertisement information storage file; and

a billing process portion performing billing process to said customer and/or advertiser on the basis of an access record and/or delivery record. Claim 21 contains the same limitations as claim 16 therefore the same rejection is applied.

As per claim 22, Angles and Herz teach:

An advertisement providing system as set forth in claim 21, wherein said advertisement service center further includes a statistical analyzing portion performing statistical analysis process depending upon demand of the customer. Claim 22 contains the same limitations as claim 19 therefore the same rejection is applied.

As per claim 23, Angles and Herz teach:

An advertisement providing system as set forth in claim 22, wherein said advertisement service center further includes a customer billing process portion performing billing process on the basis of a record of access within a contract or out of

contract. Claim 23 contains the same limitations as claim 18 therefore the same rejection is applied.

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Sakakibara teaches a power consumption management apparatus.

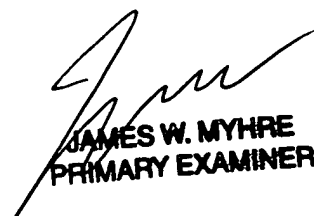
Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra  
August 30, 2004

  
JAMES W. MYHRE  
PRIMARY EXAMINER